

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
**(FCC Triennial Review
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING EXTENSION IN THE BRIEFING SCHEDULE**

By this ruling, the schedule for briefing in FCC Triennial Review Nine-Month phase is extended, as set forth below.

By letter to the Administrative Law Judge, dated March 17, 2004, certain parties asked for an extension in time for the filing of opening briefs from March 26 to April 9, 2004; for reply briefs from April 14 to April 28, 2004; and for the Issue Comparison Exhibit from April 1 to April 15, 2004. Parties joining in this request were Office of Ratepayer Advocates, The Utility Reform Network, the California Association of Competitive Telephone Companies (CalTel),¹ Verizon California, Inc., MCI Metro Access Transmission Services, LLC and MCI

¹ Cal Tel is a California-based industry association with a membership comprised of over thirty telecommunications utilities which provide local and interexchange telecommunications services in California.

WorldCom Communications, Inc. (collectively MCI), the Pure UNE-P Coalition,² Covad Communications Company, Sprint Communications Company, and Allegiance Telecom, Inc. (Moving Parties). SBC California also expressed its support for the requested extension by e-mail on March 18, 2004.

The Moving Parties argue that the extension is warranted in view of significant intervening events since the close of hearings on February 27, 2004. Moving Parties argue that events have diverted their attention and resources specifically relating to the March 2, 2004, United States Court of Appeals for the District of Columbia Opinion in United States Telecom Association v. Federal Communications Commission, No. 00-1012. In this Opinion, the D.C. Circuit decided, *inter alia*, that the FCC lacked the authority to authorize the states to conduct proceedings such as this one and vacated several critical rules that the FCC promulgated to govern the states' conduct of and deliberations in these proceedings. The D.C. Circuit stayed the effect of its decision, however, for a period at least 60 days to allow for the filing of stay requests and appeals. On March 3, 2004, Verizon filed a motion for an immediate stay of further proceedings in this case based on the D.C. Circuit's ruling.

As a consequence of the diversion of resources to address the Verizon motion (and also to formulate the "Issues Comparison Exhibit"), the Moving Parties argue they urgently need a two-week extension of the briefing schedule. This is the same amount of time as that which elapsed between the issuance of

² The Pure UNE-P Coalition is comprised of Sage Telecom, Inc., Tri-M Communications, Inc. d/b/a TMC Communications, Anew Communications Corp. d/b/a Call America, DMR Communications, Inc., TCAST Communications, Inc. and Bullseye Telecom.

the D.C. Circuit Court opinion on March 2 and the March 16, 2004
Administrative Law Judge ruling denying Verizon's request for stay.

In view of the circumstances explained in parties' letter, the requested
schedule extension is granted as set forth below.

IT IS RULED that

1. Pursuant to Rule 48 of the Commission's Rules of Practice and Procedure,
parties' requested extension in the schedule is granted.
2. Opening briefs shall be due on April 9, 2004.
3. The Issue Comparison Exhibit shall be due on April 15, 2004.
4. Reply briefs shall be due on April 28, 2004.

Dated March 18, 2004, in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Extension in the Briefing Schedule on all parties of record in this proceeding or their attorneys of record.

Dated March 18, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.